

PART 16

TYPES OF CONTRACTS

☞ D&Fs are no longer required for cost reimbursable contracts or fixed price incentive contracts. Sections 1021 and 1071 of the Streamlining Act repealed the requirement for Secretarial/Agency Head determinations regarding use of cost type or incentive contracts. Therefore, the FAR at 16.301-3, 16.403, 16.403-1, and 16.403-2 has been amended to delete the requirement. (FAC 90-24)

☞ The FAR now permits contracting officers to sign the determinations and findings that are still required to establish the basis for application of the statutory price or fee limitation in cost-plus-fixed-fee contracts. Previously, the FAR delegated this authority to the “agency head or designee.” (§16.306, FAC 90-30, 94-700)

16.306 Cost-plus-fixed-fee contracts.

<i>FAR as of FAC 90-25</i>	<i>FAR as revised</i>
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(c) <i>Limitations.</i> No cost-plus-fixed-fee contract shall be awarded unless— (1) All limitations in 16.301-3 are complied with; and (2) The agency head or designee has signed a determination and findings establishing the basis for application of the statutory price or fee limitation (see 15.903(d)).	(c) <i>Limitations.</i> No cost-plus-fixed-fee contract shall be awarded unless— (1) All limitations in 16.301-3 are complied with; and (2) The contracting officer has signed a determination and findings establishing the basis for application of the statutory price or fee limitation (see 15.903(d)).

☞ Orders against indefinite contracts may be placed electronically, using electronic commerce methods. (§16.506, FAC 90-29, 91-104)

16.506 Ordering.

<i>FAR as of FAC 90-25</i>	<i>FAR as revised</i>
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(c) Orders may be placed by written telecommunication, if provided for in the contract Schedule.	(c) Orders may be placed by electronic commerce methods when permitted under the contract.